

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

Chapter 13

Shirley A. Givhan

Case No. 14-25203

Debtor(s).

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Shirley A. Givhan (*Name of proponent of modification*) has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Gary D. Hoffman
Arthur & Hoffman, LLC
310 E. Buffalo St., Ste. 160
Milwaukee, WI 53202

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Gary D. Hoffman Arthur & Hoffman, LLC 310 E. Buffalo St., Ste. 160 Milwaukee, WI 53202 414-501-2370 414-501-2382

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

- ☒ the Debtor;
☐ the Chapter 13 Trustee (post-confirmation modifications only);
☐ the holder of an unsecured claim (post-confirmation modifications only)

Name: _____

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

- ☐ A. post-confirmation;
☒ B. pre-confirmation (Select i. or ii);
☐ i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or

☒ ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)).

The creditors affected are: Bank of America, N.A.

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

Debtor and Bank of America have decided to enter Mortgage Modification Mediation Program. Debtor believes that all mortgage arrears will be eliminated or significantly reduced through modification. Trustee is instructed not to pay anything towards arrears until modification is complete.

4. The reason(s) for the modification is/are:

Bank of America and Debtor have agreed to enter mortgage modification mediation program.

5. Select A. or B.

☐ A. The Chapter 13 Plan confirmed or modified on _____ is modified as follows:

☒ B. The unconfirmed Chapter 13 Plan dated 05/07/14 is modified as follows:

Debtor's payments to be modified to \$9000.00 by paying \$150.00 per month for 60 months. Trustee is instructed not to pay anything towards arrears until modification is complete. In the event mediation is unsuccessful, Debtor will modify plan again to cover any remaining arrearage.

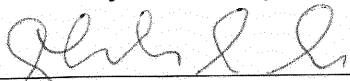
All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

Complete one of the certifications below:

1. I/We, Shirley A. Givhan, the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.


Debtor


08/07/14
Date

Debtor

Date

OR

2. I Gary D. Hoffman, attorney for debtor(s) Shirley A. Givhan, certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.


Counsel for the debtor(s)

08/07/14
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: 08/07/14
at City, State.
Milwaukee, WI

Attorneys for Arthur & Hoffman
By: Gary D. Hoffman
Bar No. 1083717

Print Form